

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

YULE R. HOBSON,

Plaintiff,

vs.

UNKNOWN RODGERS, et al.,

Defendants.

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Case No. 4:09CV1522 CEJ

MEMORANDUM AND ORDER

Plaintiff, a prisoner, has submitted a motion to proceed in forma pauperis. However, plaintiff has failed to file a certified copy of his prison account statement as required by 28 U.S.C. § 1915(a). As a result, the Court will order plaintiff to submit a certified copy of his prison account statement within thirty (30) days of the date of this Order. If plaintiff fails to comply with this Order, this action will be dismissed without prejudice.

Additionally, because many of plaintiff's allegations are rambling and illegible, plaintiff will need to file an amended complaint on a court-provided form. The Federal Rules of Civil Procedure require litigants to formulate their pleadings in an organized and comprehensible manner. Even pro se litigants are obligated to abide by the Federal Rules of Civil Procedure. See U.S. v. Wilkes, 20 F.3d 651, 653 (5th Cir. 1994); Boswell v. Honorable Governor of Texas, 138 F.Supp.2d 782, 785 (N.D. Texas 2000); Fed.R.Civ.P. 8(a)(2) (complaint should contain "short and plain statement" of claims); Fed.R.Civ.P. 8(e)(2) (each claim shall be "simple, concise, and direct"); Fed.R.Civ.P. 10(b)(parties are to separate their claims within their pleadings "each limited as far as practicable to a single set of circumstances"). Although the Court must give the complaint the benefit of a liberal construction, the Court will not create facts or claims that have not been alleged. Plaintiff is required, to the best of his ability, to set out in a simple, concise, and direct manner, all

claims that he wishes to bring before this Court, as well as the facts supporting these claims as to each named defendant. Because plaintiff has failed to do so, the Court is unable to determine if any of plaintiff's claims are legally frivolous or fail to state a claim.

Taking into consideration that plaintiff is proceeding pro se and in forma pauperis, the Court will give him the opportunity to file an amended complaint. The amended complaint shall be typed or legibly hand-written on the court-provided form for filing a civil complaint, in accordance with the instructions set forth below. Moreover, because the Court is allowing plaintiff to amend his complaint, it will take no action as to the named defendants at this time. Plaintiff is advised that his amended complaint will supersede his original complaint and will be the only complaint this Court reviews. Thus, plaintiff must include in the "Caption" of the amended complaint all the defendants he wishes to sue and he must set out specific facts relative to these claims against each named defendant in a simple, concise, and direct manner. Plaintiff risks dismissal of the instant action if he fails to comply with this Court's instructions.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall submit a certified copy of his prison account statement within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that plaintiff shall also file, within thirty (30) days from the date of this order, an amended complaint on a court-provided form, in compliance with Federal Rules of Civil Procedure 8 and 10. In the "Caption" of the form complaint, plaintiff shall set forth the name of each defendant he wishes to sue and in the "Statement of Claim," he shall set forth as to each named defendant the specific factual allegations supporting his claims against the particular defendant. If plaintiff needs additional space to list all the defendants or to set out his claims against each defendant, he must attach additional sheets of paper to the amended complaint and clearly identify them as part of his Caption or Statement of Claim.

IT IS FURTHER ORDERED that, in addition to a copy of this Order, the Clerk shall forward to plaintiff the court-provided form for filing a civil complaint.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, this action will be dismissed without prejudice.

IT IS FURTHER ORDERED that upon the filing of plaintiff's account statement and his amended complaint, the Clerk shall resubmit this action to the Court for review pursuant to 28 U.S.C. § 1915(e).

Dated this 24th day of September, 2009.

A handwritten signature in black ink, reading "Carol E. Jackson", is written over a horizontal line.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE